Raymond R. Wile
1976

New York (State) Supreme Court.
County of New York.

The Edison Speaking Phonograph Co.,)
Plaintiff)
)
versus)
)
Gardiner G. Hubbard, Defendent)

PARTIAL RECORD

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In the Matter of

The Edison Speaking

Phonograph Company.

James L Skillin,

AttY. & Counselor at Law,

Trinity Building

111 Broadway

New York, Mch. 29, 1888.

Gardner G. Hubbard, Esq.

Washington, D. C.

Dear Sir:-

Complying with your request and following out the understanding arrived at between you, Mr. Cheever and myself at our interview last Saturday, I give you the following information concerning the meeting of the stockholders of the Edison Speaking Phonograph Company held at Norwalk, Conn. January 24, 1888.

The meet ng was held at the office of Mr. Byington at Norwalk.

It was called to order at 12,03 O'clock P.M. There were present Charles A. Cheever, E. H. Johnson, Simeon E. Baldwin, Robert J.

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The meeting was held at the office of Mr. Byington at Norwalk.

It was called to order at 12,03 O'clock P.M. There were present Charles A. Cheever, E. H. Johnson, Simeon E. Baldwin, Robert J. Cummings, Thomas Moore, E. H. Painter, Mr. Byington and myself.

A chairman was duly selected and the meeting proceeded to business. Mr. Johnson was requested to furnish a list of stockholders of the Company. He stated that he did not have such a list but that Mr. Painter had all of the books and property of the company.

Mr. Painter was then asked for a stocklist but he refused.

Tellers of election were duly selected without objection from any one present.

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Upon request Mr. C. A. Cheever furnished a list of stockholders which list had been furnished to him by the secretary within a few months. Mr. Painter examined the list and suggested some alterations which were made. The polls were declared open and remained open for about one half hour.

The announcement was made by the chairman that the polls would be declared closed should no other votes be offered. No other votes being offered within the succeeding ten minutes, the polls were declared closed and the tellers having counted the votes, declared the unanimous election as directors of the following persons:

Charles A. Cheever,)
Geo. L. Bradley, "
Thomas Sanders, "
Alfred Roosevelt, "
John H. Cheever, " Directors.

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being offered within the succeeding ten minutes, the polls were declared closed and the tellers hav ng counted the votes, declared the unanimous election as directors of the following persons:

Charles A. Cheever,)
Geo. L. Bradley, "
Thomas Sanders, "
Alfred Roosevelt, "
John H. Cheever, " Directors.
Robert J. Cummings, "
Thomas A. Edison, "
A. H. Byington, "
Matilda Arnold, "

and the chair declared them so elected.

Subsequent proceedings were of no special immportance as bearing upon the election, and in due time the meeting was adjourned sine die.

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Previous to the time when the meeting was called to order, demands were made by Mr. Cheever and others for the books and the papers of the Company which they were legally entitled to inspect, but Mr. Painter and Mr. Johnson refused to produce any books or papers.

Mr. Johnson secretary of the Company was present during the entire time the meeting was being held, or nearly the entire time and both Mr. Painter and Mr. Byington were present during the meeting until some time after the polls were open for receiving votes for the election of Directors. E

Every person present had ample opportunity to case votes or make any protest or objection that they desired, but no protest or objection was made.

All proceedings were carried on within hearing of every person present. The meeting was orderly. There was no intimation of any

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Every person present had ample opportunity to case votes or make any protest or objection that they desired, but no protest or objection was made.

All proceedings were carried on within hearing of every person present. The meeting was orderly. There was no intimation of any other meeting, to give such even the semblance of legality, there was no occasion for it, and I gravely doubt that any other meeting was held. As you see, there was no irregularity in connection with the proceedings of this meeting, and all the books and papers and property of the Company should at once be delivered to the present officers of the Company, of which Mr. C. A. Cheever is present,; Thomas Sanders Vice President, and George L. Bradley Secretary & Treasurer.

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I truct that this will be done immediately without litigation.

Awaiting your reply, I am,

Yours very truly,

James L.Skillin.

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1328, Connecticut Avenue,
Washington D.C

30 April 188

U H. Painter Esq

Dear Mr Painter,

I sent you sometime ago the Summons served upon me by Mr. Cheerus attorney - Please let me the name of your counsel who is defending the suit & what steps he has taken in the matter. You promised also to furnish me a statement

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of the money in your hands and the disposition that had been made of it.

Yours
Truly
Gardner G. Hubbard

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Phone

W H Painter
Washington D.C.

I want to transfer the Hubbard case to the Federal Court where is his permanent Residence. It must be in ~~Other~~ some State to give ~~the~~ the United States Court Jurisdiction, I would like to see Hubbard and get an affidavit from him. Answer

H. M. Herman

Answer this over Green and Balemans wire in the morning —

H. M. H.

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S U P R E M E C O U R T
of the State of New York,
County of New York.

The Edison Speaking Phonograph
Company,
Plaintiff,
against

Gardner G. Hubbard,
Defendant.

ANSWER OF GARDNER G. HUBBARD.

H. M. Herman,
Defendant's Attorney,
35 Wall & 15 Broad Sts.,
New York City.

Due service of the within
answer is acknowledged this
day of May, A.D.
1888.

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Fol.1 SUPREME COURT OF THE STATE OF NEW YORK

County of New York

The Edison Speaking Phonograph Company,
Plaintiff

vs.

Gardner G. Hubbard,
Defendant

The defendant answering the complaint of the plaintiff in the above entitled action avers and alleges:

2 That there is such a corporation as the Edison Speaking Phonograph Company which company was organized under the laws of the State of Connecticut of which defendant held the office of President but whether the plaintiff in this action is the same company of which this defendant was President, defendant has not sufficient knowledge or information to form a belief.

Defendant further answering the complaint denies upon information and belief all, each and every allegation, averment and statement contained in the Third,

3 Fourth and Fifth allegations and averments in said complaint set forth and therein contained.

And defendant further answering said complaint denies upon information and belief that Charles A. Cheever is the legal President of the Edison Speaking Phonograph Company or that said Cheever was elected President of said

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Edison Speaking Phonograph Company by a legal majority of the votes of all the stockholders and denies upon information and belief that James L. Skillin is the legal attorney of said plaintiff.

Plaintiff's Attorney

CITY AND COUNTY OF NEW YORK, ss:

Gardiner G. Hubbard, being duly sworn deposes and says that he is the defendant in the foregoing action; that he has read the foregoing answer and that the same is true of his own knowledge except as to the matters therein stated to be upon information and belief, and that as to those matters he believes it to be true.

Sworn to before me this)
18th day of May, 1888)

Raymond R. Wile
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